

Applicants hereby request, according to 37 CFR 1.143, reconsideration and withdrawal of the requirement to elect a single growth factor embodiment, as stipulated on page eight (8) first paragraph of the Office Action. Accordingly, applicants *provisionally* elect the chimeric growth factor comprising human persephin (SEQ ID NO:1) with the F2c and F2a regions comprising human GDNF F2c and F2a, respectively (SEQ ID NO:20 and 17). The provisionally elected chimeric peptide thus comprises SEQ ID NO:23 and consists of SEQ ID NO:26. Reasons for applicants' traversal of this particular election requirement are provided in the remarks.

### Remarks


Applicants argue that all of the growth factor embodiments of the elected claims are *not* independent inventions, as promulgated by the Patent Office on page eight (8), first paragraph, but rather species comprising a single genus as defined in the "linking" claims 1 and 2. Wherein claim 1 is drawn to a growth factor, which activates only GFR $\alpha$ 1-RET and claim 2 is further drawn to a chimeric growth factor comprised of GDNF family members or derivatives thereof, the multiple embodiments presented in the subsequent claims are merely species of the genus presented in each of claims 1 and 2. Furthermore and quite simply, the invention is drawn to a persephin with its F2a and F2c regions substituted for the F2a and F2c regions of GDNF family members which engage the GFR $\alpha$ 1-RET receptor. This enables the substituted persephin to engage only GFR $\alpha$ 1-RET, a completely novel activity disclosed in the instant application.

Applicants submit that human, mouse and rat persephin (SEQ ID NO:1-3) are a reasonable number of species within the genus of persephin. Likewise, applicants submit that GDNF, neurturin and artemin are a reasonable number of species comprising the GDNF family of growth factors. However, the invention is not claiming persephin, GDNF, neurturin and artemin, and all chimerical combinations thereof, but merely claims a persephin that contains specific combinations of eleven to twelve amino acid substitutions that span a very narrow portion of the molecule namely the F2a and F2c regions, wherein each set of substitutions confers GFR $\alpha$ 1 specificity.

Given the genus claims 1 and 2, and the reasonableness of the number of species within the genus, namely three substituted persephins, wherein each persephin may comprise 1 of 3 possible substitutions, Applicants respectfully submit that the election requirement related to the elected invention number 1 is not warranted. Applicants therefore respectfully request that this restriction requirement, as stipulated on page eight (8), paragraph one (1), be reconsidered and withdrawn.

Should any questions arise or if Applicants or Applicants agent can facilitate further examination of this application, it is respectfully requested that the undersigned agent be contacted.

Respectfully submitted,



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